

REMARKS/ARGUMENTS

Claims 1 through 28 are pending in this application.

The Office Action asserts that an election of a single species is required, as defined by:

Species A: $[-O-(CH(CH_3)CH_2O)_x-C(O)-NH-R-NH-C(O)-]$; and

Species B: $[-O-(CH_2-CH_2CH_2CH_2-O)_y-C(O)-NH-R-NH-C(O)-]$

Applicants have previously provisionally elected Group I with traverse, including claims 1-13 for prosecution. *Herein*, Applicants further elect **Species A above with traverse**. Applicants respectfully disagree with the restriction requirement imposed by the Examiner and the characterizations made of the claimed invention. Accordingly, this provisional election is made with traverse.

According to M.P.E.P. §803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (1) The inventions must be independent or distinct as claimed; and
- (2) There must be serious burden on the Examiner if restriction is not required.

Applicants respectfully submit that (1) the Species A and Species B are properly presented in the same application; (2) undue diverse searching would not be required; and (3) both species should be examined together.

The Examiner has not shown that examination of Species A and Species B would require undue searching and/or place a serious burden on the Examiner, which is a requisite showing for proper issuance of a restriction requirement. In fact, applicants submit that to properly search either species, the other species must be considered as well to perform a comprehensive search.

Applicants respectfully request that Species A and Species B be examined together. There would not be a serious burden to search. In fact, there would be overlap. Accordingly, reconsideration of the restriction/election requirement is respectfully requested.

For the above reasons, it is respectfully requested that the Examiner rejoins Groups I, II III, IV and V and Species A with Species B, because there is believed to be no undue or serious burden placed on the Examiner in a search of the art. It is believed that the elected claims are in condition for allowance. Early and favorable action by the Examiner is earnestly solicited.

Applicants respectfully request that the Restriction Requirement be withdrawn and all presented claims be examined on the merits.

Respectfully submitted,

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